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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,953	10/05/2005	Tsuyoshi Sato	05668/LH	6834
1933 7590 08/27/2007 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER PHAN, THAI Q	
			ART UNIT 2128	PAPER NUMBER
			MAIL DATE 08/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/551,953

Applicant(s)

SATO ET AL.

Examiner

Thai Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2005 & 2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is in response to patent application S/N: 10/551,953, filed on 10/05/2005. Claims 1- 26 are pending in the Action.

#### ***Information Disclosure Statement***

Information Disclosure Statements filed on 10/05/2005 and 1/25/2007 were being considered.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Narad et al, US patent application publication no. 2004/0143655.

As per claim 1, Narad anticipates a simulation apparatus for a communication system, for carrying out tests for protocol messages in communication with a communication terminal to be evaluated by transmitting test signals to the communication terminal to be evaluated, and receiving response signals from the communication terminal to be evaluated, comprising: a definition file in which a

convention including a definition regulated with respect to a configuration of nodes which are information elements of protocol messages in communication with the communication terminal to be evaluated has been described; an interface library including an application program interface which can provide and receive operational information with respect to the nodes of the protocol messages to and from an exterior section;

a memory managing section which manages various data relating to the nodes of the protocol messages; a decode processing section which specifies a data region and a value of data allocated to each node in the protocol messages ([0412]) by processing to decode the protocol messages along the definition regulated in the definition file and in accordance with the operational information from the exterior section to the interface library ([[0564]-[0636]]), and which delivers data of each node corresponding to the protocol messages to the memory managing section; and an encode processing section Which generates a desired protocol message by combining the data relating to the nodes of the protocol messages managed at the memory managing section, along the definition regulated in the definition file and in accordance with the operational information from the exterior section to the interface library ([0159], [0359]).

As per claim 2, Narad anticipates the simulation apparatus for a communication system according to claim 1, characterized in that the decode processing section processes to decode the protocol messages input via the interface library, prepares a message tree showing a relationship of a hierarchy of each node of the protocol messages based on the definition regulated in the definition file and outputs the

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message tree to the memory managing section, and detects data of an arbitrary node denoted by a path which has been designated from among the data relating to the nodes of the protocol messages managed at the memory managing section based on a path denoting a node at which there is desired data, which is designated via the interface library.

As per claim 3, Narad anticipates the simulation apparatus for a communication system according to claim 1, characterized by further comprising: a scenario executing section which stores an executable format scenario in which a sequence for executing transmission in a desired protocol message to the communication terminal to be evaluated and reception in the desired protocol message from the communication terminal to be evaluated has been described, and which outputs at least a receive protocol message received from the communication terminal to be evaluated to the interface library by executing the executable format scenario in accordance with the sequence described in the executable format scenario;

a trace data managing section which manages the sequence of the desired protocol message executed at the scenario executing section; and a first display control section which carries out control for causing to display the sequence of the desired protocol message managed at the trace data managing section onto a display section.

As per claim 4, Narad anticipates the simulation apparatus for a communication system according to claim 3, characterized in that the decode processing section processes to decode the protocol messages input via the interface library, prepares a message tree showing a relationship of a hierarchy of each node of the protocol

messages based on the definition regulated in the definition file and outputs the message tree to the memory managing section ([0412]-[0434]), and detects data of an arbitrary node denoted by a path designated from among the data relating to the nodes of the protocol messages managed at the memory managing section based on a path denoting a node at which there is desired data, which is designated via the interface library ([0436]-[0460]).

As per claim 5, Narad anticipates the simulation apparatus for a communication system according to claim 1, characterized by further comprising: an encode and decode editing section which has a user interface to receive an editing operation in each section of node of a desired protocol message via the interface library, and which edits the desired protocol message;

a second display control section which carries out control for causing to display onto the display section contents of the editing operation in each section of node of the desired protocol message received by the user interface of the encode and decode editing section; and a descriptive format scenario storage section which stores a descriptive format scenario described as a sequence for transmitting and receiving the desired protocol message edited at the encode and decode editing section.

As per claim 6, Narad anticipates the communication simulation system includes the decode processing section processes to decode the desired protocol message, prepares a message tree ([0737]) showing a relationship of a hierarchy of each node of the desired protocol message based on the definition regulated in the definition file, causes to display the message tree onto the display section via the second display

control section, and outputs it to the memory managing section to thereby detect data of an arbitrary node denoted by a path designated from among the data relating to the nodes of the desired protocol message managed at the memory managing section ([0263], [0548]) based on a path denoting a node at which there is desired data, which is designated via the interface library.

As per claims 7-26, the claims are directed to the system and communication simulation method which requires feature limitations like in the rejected base claims above. Claims 7-26 are also rejected in like manner.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US patent no. 5,535,373, issued to Olnowich, Howard, on July 1996
2. US patent application publication no. 2003/0156549, issued to Binder et al, on Aug. 2003
3. US patent application publication no. 2004/0049481, to Blevins, Mike, on Mar. 2004

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is 571-272-3783. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aug. 18, 2007

  
THAI PHAN  
PRIMARY EXAMINER  
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